

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

FILED

MAR 26 2025

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALVARO HERNAN ZAVALA-MENDEZ

Defendant.

4:25CR154 MTS/JMB

**MOTION FOR PRE-TRIAL DETENTION AND HEARING**

Comes now the United States of America, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Nathan L. Chapman, Assistant United States Attorney for said District, and moves the Court to order defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, Section 3141, *et seq.*

1. The Bail Reform Act requires that before conducting a requested detention hearing, the court is to determine that the case is eligible for said hearing under section 3142(f). Section 3142(f)(1) authorizes a detention hearing in a case involving (1) a crime of violence; (2) an offense carrying a penalty of life imprisonment or death; (3) a federal drug offense carrying a penalty of ten years or more; (4) a felony following convictions for two or more of the three foregoing offenses; or (5) any felony that is not otherwise a crime of violence that involves a minor victim, or that involves the possession or use of a firearm or destructive device or any other dangerous weapon or involves a failure to register as a sex offender. 18 U.S.C. §3142(f)(1). In this case,

Defendant is charged with illegal reentry into the United States, in violation of Title 18, United States Code, Section 1326(a), which is not one of the crimes enumerated under § 3142(f)(1).

2. However, the court may hold a hearing on its own motion or the government's motion in a case that involves a serious risk of flight or a serious risk that the person will obstruct or attempt to obstruct justice; threaten, injure or intimidate or attempt to threaten, injure or intimidate a prospective witness or juror. 18 U.S.C. §3142(f)(2). The government submits there is serious risk of flight in this case. As and for its grounds, the Government states the following factors pursuant to Title 18, United States Code, Section 3142(g) (2)(3) and (4) for this Court to consider:

3. Defendant is a Mexican national who was previously removed to Mexico by Immigration Customs Enforcement in December of 2024. Defendant was also previously removed from the United States in August of 2024, and had an expedited removal in February of 2016. Defendant has no legal status in the United States.

4. St. Charles Police Department recently arrested Defendant on March 17, 2025, for driving without a license. On July 28, 2024, the Defendant was charged with the felony of domestic battery in the State of Indiana.

5. There is a serious risk that the defendant will flee should he be released. As an initial matter, Defendant currently has an ICE detainer lodged against him, so in the event of his release he will be taken into ICE custody and deportation proceedings will commence, disallowing him to participate in these proceedings. Beyond this detainer, though, Defendant's history of illegal entry into the United States, his use of various aliases in his dealings with law enforcement, his criminal history involving fraud, and his overall history of deceit raises the likelihood that he will not attend his proceedings. Moreover, the specter of likely future deportation

WHEREFORE, for the foregoing reasons, the United States respectfully requests that this Court find that this case involves a serious risk that Defendant will flee, and that the United States is entitled to a detention hearing in this matter pursuant to Title 18, United States Code, Section 3142(f)(2)(A). Furthermore, the United States requests that this Court find that there are no conditions or combination of conditions that will reasonably assure defendant's appearance as required, and that Defendant be ordered detained prior to trial.

Respectfully submitted,

SAYLER A. FLEMING  
UNITED STATES ATTORNEY

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